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8 Attorney for Defendant
9 CHARLES HEARD

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,
14
15 Plaintiff,
16
17 vs.
18 CHARLES HEARD,
19
20 Defendant.

No. 13-cr-00764-WHO

21 TO VICKI HENNESSY, THE SHERIFF OF THE CITY AND COUNTY OF SAN FRANCISCO, AND
22 TO THE SAN FRANCISCO SHERIFF'S DEPARTMENT:

23 IT IS HEREBY ORDERED that Defendant Charles Heard be PERMITTED TO USE A
24 COMPUTER for the sole purpose of reviewing discovery in his criminal case, under the following
25 conditions:

26 1. That as jail operations permit, the Sheriff's Department will provide reasonable access to
27 a Microsoft Windows based computer device that is capable of reading common file formats including
28 Microsoft Word files and PDF files. In addition, this device will be able to play common audio and video
computer files.

1 2. That at least one serialized, "Sheriff's Department eDiscovery" USB drive will be
2 provided to Defendant Charles Heard via his attorney of record, Mark R. Vermeulen, by the Sheriff's
3 Department Technical Services Unit.

4 3. That no other USB drives whatsoever shall be permitted.

5 4. That any transfer of Sheriff's Department eDiscovery USBs shall occur by way of the
6 Sheriff's Department Technical Services Unit, who shall inspect the drive for encryption and with
7 encryption turned off, a cursory inspection of the "thumbnails" of the files contained on the USB shall
8 be conducted. Such inspection shall be performed at a time and place determined by the Sheriff's
9 Department Technical Services Unit, in the presence of Mark R. Vermeulen.

10 5. That only the Sheriff's Technical Services Unit personnel will deliver eDiscovery drives
11 to Charles Heard.

12 6. That no transfer of electronic discovery or other electronic media from attorney to client
13 shall be allowed except as authorized by the Sheriff's Jail Facility Commander.

14 7. That the Sheriff's Department Technical Support Unit will provide written instructions
15 for the loading of digital content on the eDiscovery USB to Mark R. Vermeulen.

16 8. That the stored data will only be loaded on the USB drive and encrypted in a manner
17 prescribed by the Sheriff's Department Technical Support Unit so that it is only accessible by the
18 defendant and defendant's counsel.

19 9. That no entertainment content whatsoever, including movies, music videos, music files,
20 games, non-evidence photos will be loaded onto the eDiscovery USB.

21 10. That any music video or music audio file, or digital image content that contains nudity
22 that is part of a Defendant's defense materials will be EXCLUDED from the eDiscovery USB, and the
23 (Attorney's name) shall provide access to these materials by other means, such as face to face interviews.

24 11. That the use of headphones/earplugs will be arranged through the facility commander at
25 his/her discretion.
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12. That the Defendant Charles Heard and his attorney of record, Mark R. Vermeulen sign a San Francisco Sheriff's Department eDiscovery Acceptable Use Agreement which will detail the administrative rules and regulations for the use of digital discovery devices within the County Jail.

13. That any violation by Defendant Charles Heard of the eDiscovery Acceptable Use Agreement will be subject to an administrative review by the Sheriff's Department jail staff which could lead to administrative rule violations and discipline imposed upon Defendant Charles Heard and suspension or termination of access to the Sheriff's Department eDiscovery system, and further, a report will be made to the Court by the Sheriff's Department indicating that a Violation of this order has occurred, and the computer privileges have been revoked or suspended.

14. That the Defendant Charles Heard may possess the eDiscovery USB drive only while actively viewing the material, and while not in use, the eDiscovery USB drive will remain locked in a designated area under Sheriff's Department control.

15. That scheduling of the use of the computer by Defendant Charles Heard is solely within the discretion of the Sheriff's Department.

16. That Defendant Charles Heard may not share access to his discovery or USB thumb drive with any other inmate, absent a court order.


IT IS SO ORDERED.

Date: June 21, 2017


WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE

Approved:

Date: 6/19/17


MARK NICCO/SUZY LOFTUS
Attorney for San Francisco Sheriff's Department

Date: 05/15/2017

Mark R. Vermeulen

Digitally signed by Mark R. Vermeulen
DN: cn=Mark R. Vermeulen, o=Law Office of Mark
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Date: 2017.05.15 09:53:36 -0700

Mark R. Vermeulen
Attorney for Defendant Charles Heard